

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
April 8, 2014**

DRAFT

A regular session of the Winchester Common Council was held on Tuesday, April 8, 2014 in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 7:00 p.m.

PRESENT: Councilor Jeff Buettner, Evan Clark, John Hill, John Tagnesi and Ben Weber; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (9)

ABSENT: None (0)

MOMENT OF SILENCE - President Willingham led the citizens and councilors in a moment of silence.

PLEDGE OF ALLEGIANCE – Mayor Minor led the citizens and councilors in the Pledge of Allegiance.

APPROVAL OF MINUTES – February 25, 2014 Special Meeting, February 25, 2014 Work Session, March 4, 2014 Special Meeting, March 11, 2014 Regular Meeting, March 18, 2014 Work Session, and April 1, 2014 Special Meeting

Vice-President McInturff moved to approve the minutes as presented. *The motion was seconded by Councilor Buettner then unanimously approved by voice-vote.*

REPORT OF THE MAYOR

R-2014-13: Resolution – Honor the retirement of Battalion Chief Kevin M. Yost

Mayor Minor announced that April is Child Abuse Awareness month. In the spring of 1989, a Virginia grandmother began the blue ribbon campaign as a tribute to her three-year old grandson who died at the hands of his mother's abusive boyfriend. Since that time, citizens all over the country have worn the blue ribbon as a symbol of the need to prevent abuse and neglect.

Mayor Minor encouraged all residents interested in volunteering to apply for a vacant seat on any of the City's Boards and Commissions. She stated there are several spots available including a vacant position representing Ward 3 on the Winchester School Board. If you live in Ward 3 and would like to get involved in the future of our local youth, please apply today. An application and more information can be found on the City's website at www.winchesterva.gov.

REPORT OF THE CITY MANAGER

City Manager Dale Iman stated he had nothing to report.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated he had nothing to report.

1.0 PUBLIC HEARINGS**1.1 O-2014-04: Second Reading – AN ORDINANCE TO PLACE REQUIREMENTS ON TOW COMPANIES REQUESTED BY THE POLICE TO PROTECT CONSUMER INTERESTS**

President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:03 p.m.

Councilor Tagnesi stated Council received a letter regarding a one hour response time for retrieving an automobile and asked if that is a hard number or if it could be modified. Police Chief Kevin Sanzenbacher stated that has been made into a “may” so that it is up to the tow company owner if they want to respond or not. It is not mandated.

Councilor Clark asked if the ordinance sets a minimum or maximum to tow a vehicle or a storage fee. Chief Sanzenbacher stated it sets a maximum of \$150 to tow a vehicle and \$50 per day storage fee.

Vice-President McInturff moved to approve O-2014-04. *The motion was seconded by Councilor Weber then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

1.2 O-2014-05: Second Reading – AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING June 30, 2014

President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:06 p.m.

Vice-Mayor Veach moved to approve O-2014-05. *The motion was seconded by Mayor Minor then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

1.3 O-2014-08: Second Reading – AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF PROPERTIES NECESSARY FOR THE REALIGNMENT OF NATIONAL AVENUE GATEWAY IMPROVEMENT PROJECT BY MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND ACCEPTANCE BY THE CITY OF SAID PROPERTY

President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:07 p.m.

Councilor Hill moved to table O-2014-08 due to some information that Council was unaware of and would like to look at. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

2.0 PUBLIC COMMENTS

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public hearing at 7:08 p.m.

3.0 CONSENT AGENDA

3.1 O-2014-07: First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 25-17 AND 18-1 OF THE WINCHESTER CITY CODE TO ELIMINATE FORMALLY APPOINTED COUNCIL LIAISONS FROM THESE AND OTHER COUNCIL APPOINTED BOARDS AND COMMISSIONS

3.2 O-2014-09: First Reading – AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF S. INDIAN ALLEY RIGHT-OF-WAY ADJOINING THE PROPOSED SHENANDOAH VALLEY DISCOVERY

MUSEUM AT 19 W. CORK STREET AND CONDITIONALLY CONVEY IT
TO THE SHENANDOAH VALLEY DISCOVERY MUSEUM

- 3.3 O-2014-10:** First Reading – AN ORDINANCE AMENDING ARTICLE 14.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FLOODPLAIN REGULATIONS
- 3.4 R-2014-07:** Resolution – Approval to refund overpaid estimated business license taxes to DEI Inc. in the amount of \$3,107.29
- 3.5 R-2014-08:** Resolution – Approval to payout accumulated sick leave for an employee of the Clerk of the Court
- 3.6 R-2014-09:** Resolution – Approval of the Personal Property Tax Relief Rate for Tax Year 2014
- 3.7 R-2014-10:** An appeal of the decision by the Board of Architectural Review (BAR-13-524) requiring the removal of vinyl siding and replacement with wood siding for the property located at 16 West Monmouth Street zoned Residential Business (RB-1) District with Historic Winchester (HW) District overlay
- 3.8 R-2014-12:** Resolution – Review and design selection for the National Avenue Gateway Improvements Project
- 3.9** Announce the term expirations of Erica Truban, Cynthia Ford, and Vince Di Benedetto as members of the Winchester School Board effective June 30, 2014. Ms. Truban and Mr. Di Benedetto are eligible for re-appointment. Ms. Ford is not eligible.
- 3.10** Announce the term expirations of John Marker, Dan Martin, and Sue Robinson as members of the Winchester-Frederick County Tourism Board effective June 30, 2014. Mr. Marker, Mr. Martin, and Ms. Robinson are not eligible for re-appointment.

Councilor Weber stated he would like for item 3.1 to be pulled out of the Consent Agenda.

Vice-President McInturff moved to approve the Consent Agenda minus item 3.1. *The motion was seconded by Vice-Mayor Veatch then unanimously approved by voice-vote.*

- 3.1 O-2014-07:** First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 25-17 AND 18-1 OF THE WINCHESTER CITY CODE TO ELIMINATE FORMALLY APPOINTED COUNCIL LIAISONS FROM THESE AND OTHER COUNCIL APPOINTED BOARDS AND COMMISSIONS

President Willingham presented O-2014-07 for first Reading.

Councilor Weber stated he understands the process and understands the need for streamlining it but he feels select Boards and Commissions need to have a liaison maintained and he hopes Council will take that into consideration.

President Willingham stated it is customary for a councilor to give his last words at his last meeting and offered that opportunity to Councilor Weber.

Councilor Weber thanked all of Council for their guidance especially the Mayor, President, and Vice-Mayor. He stated he would like to encourage all members of the community that have a desire to please stand up. The city needs a Ward 3 representative for the School Board and on Council. For those who have participated in the City's INSIGHT Academy, here is your chance to step up.

4.0 AGENDA

5.0 EXECUTIVE SESSION

5.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A) (1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS AND PURSUANT TO §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION OF AN INTEREST IN REAL PROPERTY AND FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF INVESTMENT OF PUBLIC FUNDS WHERE BARGAINING IS INVOLVED, AND WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED AND PURSUANT TO §2.2-3711(a) (29) FOR THE PURPOSE OF DISCUSSION OF THE AWARD OF A PUBLIC CONTRACT INVOLVING THE EXPENDITURE OF PUBLIC FUNDS, INCLUDING INTERVIEWS OF BIDDERS OR OFFERORS, AND DISCUSSION OF THE TERMS AND SCOPE OF SUCH CONTRACT, WHERE DISCUSSION IN AN OPEN SESSION WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE CITY AND PURSUANT TO §2.2-3711(A)(40) FOR THE PURPOSE OF DISCUSSION OF RECORDS EXCLUDED FROM CHAPTER 37 OF TITLE 2.2 OF THE CODE OF VIRGINIA PURSUANT TO SUBDIVISION 3 of § 2.2-3705.6

Vice-President McInturff moved to convene into executive session at 7:14 p.m. *The motion was seconded by Councilor Tagnesi then unanimously approved by voice-vote.*

Vice-President McInturff moved to reconvene in open session at 7:34 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

President Willingham stated he would entertain a motion to authorize the City Attorney to proceed with filing a notice of participation on behalf of the City in the rate increase proposal filed on behalf of Shenandoah Valley Electrical Cooperative SCC Case PUE-22013-00132.

The motion was made by Vice-President McInturff, seconded by Vice-Mayor Veach, and then unanimously approved by voice-vote.

6.0 ADJOURNMENT

Vice-President McInturff moved to adjourn the meeting at 7:34 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

Kari J. Van Diest, CMC
Deputy Clerk of the Common Council